



Patent Docket P1979R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of Paul G. Brunetta et al. Serial No.: 10/719,310 Filed: November 21, 2003 For: THERAPY OF NON-MALIGNANT DISEASES OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES</p>	<p>Group Art Unit: To Be Assigned Examiner: To Be Assigned Confirmation No: To Be Assigned CUSTOMER NO: 09157</p> <p>CERTIFICATE OF HAND DELIVERY I hereby certify that this correspondence is being hand delivered to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April <u>2</u>, 2004 <u>R. H. Mitchell</u></p>
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

37 CFR §1.97(b)

- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
- within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR§1.491, **or**
- before the mailing of the first Office action on the merits; **or**
- before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.

37 CFR §1.97(c)

- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes

allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.

37 CFR §1.97(d)

- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR §1.97(e) may need to be completed.]

- 37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- 37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified). A copy of the items on PTO-1449 is supplied herewith. U.S. patents and patent applications are not included. Pursuant to a Patent Office waiver signed July 11, 2003, applicants are no longer required to submit copies of United States patents cited in information disclosure statements for applications filed after June 30, 2003 (1276 OG 55).

A concise explanation of relevance of the items listed on PTO-1449 is:

- not given

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- given for each listed item
- given for only non-English language listed item(s) [Required]
- in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 for this Information Disclosure Statement, or credit overpayment to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

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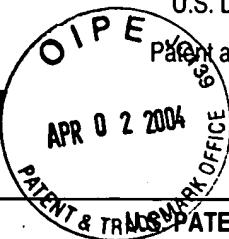
FORM PTO-1449

U.S. Dept. of Commerce

Patent and Trademark Office

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)



Atty Docket No.

P1979R1

Serial No.

10/719,310

Applicant

Paul G. Brunetta et al.

Filing Date

21 Nov 2003

Group

Not Yet Assigned

PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	1	2002/0076695	20.06.02	Ross, J.			
	2	2002/0155527	24.10.02	Stuart et al.			
	3	2003/0103973	05.06.03	Rockwell et al.			
	4	2003/0108545	12.06.03	Rockwell et al.			
	5	2003/0211530	13.11.03	Danenberg, K.			
	6	4,753,894	28.06.88	Frankel et al.			
	7	4,935,341	19.06.90	Bargmann et al.			
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	36	5,770,195	23.06.98	Hudziak et al.			

Examiner

Date Considered

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FORM PTO-1449				U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1979R1	Serial No. 10/719,310
LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)				Applicant Paul G. Brunetta et al.			
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	41	5,801,005	01.09.98	Cheever et al.			
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	43	5,821,337	13.10.98	Carter et al.			
	44	5,824,311	20.10.98	Greene et al.			
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	82	6,582,919	24.06.03	Danenberg, K.			

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	84	0 412 116	29.11.95	EPO				
	85	0 444 181	31.10.01	EPO				
	86	0 494 135	10.04.96	EPO				
	87	0 502 812	14.08.96	EPO				
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	94	2,761,543B2	04.06.98	JAPAN (TRANSLATION ATTACHED)				
	95	2,895,105B2	24.05.99	JAPAN (ENGLISH ABSTRACT AND CLAIMS)				
	96	3-240498	25.10.91	JAPAN (ENGLISH ABSTRACT ATTACHED)				
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	100	5-317084	03.12.93	JAPAN (ENGLISH ABSTRACT ATTACHED)				
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	103	WO 00/61145	19.10.00	PCT				
	104	WO 00/61185	19.10.00	PCT				
	105	WO 00/69460	23.11.00	PCT				

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	109	WO 01/05425	25.01.01	PCT			
	110	WO 01/09187	08.02.01	PCT			
	111	WO 01/15730	08.03.01	PCT			
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	114	WO 01/32155	10.05.01	PCT			
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	116	WO 89/06692	27.07.89	PCT			
	117	WO 89/10412	02.11.89	PCT			
	118	WO 90/14357	29.11.90	PCT			
	119	WO 91/02062	21.02.91	PCT			
	120	WO 91/05264	18.04.91	PCT			
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	122	WO 92/20798	26.11.92	PCT			
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	124	WO 93/12220	24.06.93	PCT			
	125	WO 93/16185	19.08.93	PCT			
	126	WO 93/21232	28.10.93	PCT			
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	132	WO 95/17507	29.06.95	PCT			
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	134	WO 96/07321	14.03.96	PCT			
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	139	WO 97/04801	13.02.97	PCT			
	140	WO 97/20858	12.06.97	PCT			
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	143	WO 97/38731	23.10.97	PCT				
	144	WO 98/02463	22.01.98	PCT				
	145	WO 98/02540	22.01.98	PCT				
	146	WO 98/02541	22.01.98	PCT				
	147	WO 98/16628	23.04.98	PCT				
	148	WO 98/17797	30.04.98	PCT				
	149	WO 98/18489	07.05.98	PCT				
	150	WO 98/33914	06.08.98	PCT				
	151	WO 98/45479	15.10.98	PCT				
	152	WO 99/31140	24.06.99	PCT				
	153	WO 99/39729	12.08.99	PCT				
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FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty Docket No. P1979R1	Serial No. 10/719,310
LIST OF DISCLOSURES CITED BY APPLICANT (Use several sheets if necessary)				Applicant Paul G. Brunetta et al.	
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OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)					
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